



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

DEC 14 2015

District Engineer  
Mobile District, Corps of Engineers  
Attn: Mr. Philip Hegji- Project Manager  
P.O. Box 2288  
Mobile, Alabama 36628-0001

Re: The U.S. Environmental Protection Agency Comments on the Draft Environmental Impact Statement (DEIS) for the Proposed Port of Gulfport Expansion Project, Harrison County, Mississippi  
Department of Army Permit Application SAM-200901768-DMY  
CEQ No: 20150298; ERP No: COE-E390920-MS

Dear Mr. Hegji:

Pursuant to Section 309 of the Clean Air Act, and the National Environmental Policy Act, the U.S. Environmental Protection Agency, Region 4, has reviewed the U.S. Army Corps of Engineers, Mobile District's (USACE) Draft Environmental Impact Statement for the Proposed Port of Gulfport Expansion Project. The DEIS evaluates the environmental consequences of the Mississippi State Port Authority's (MSPA) proposal to expand Gulfport Harbor into the Mississippi Sound based on a Section 404 permit application to the USACE Permit.

The EPA is a cooperating agency on the development of the DEIS and has participated in interagency and public meetings including the December 8, 2015, interagency and public meeting on the DEIS and provided interagency scoping and preliminary DEIS comments on the project. This letter is intended to provide the EPA's comments on the proposed project and enclosed are specific technical review comments on the DEIS.

The Port of Gulfport is an important part of the central Gulf Coast economy and while it is not as large as nearby ports such as Mobile and Pascagoula, by weight, handling about 2 million tons of cargo, it is the third-largest container terminal on the Gulf Coast. The purpose of the proposed expansion project is to contribute to the long-term economic development of the State of Mississippi and the Gulf Coast region by expanding the Port footprint and facilities to increase the Twenty-foot Equivalent Unit (TEU) throughput, provide additional employment opportunities, and to increase the economic benefits produced by the Port.

The Port of Gulfport currently encompasses a 369-acre footprint and has the capacity to handle approximately 0.7 million TEUs of cargo. With current improvements efforts already underway the Port will be able to handle 1.0 million TEUs. With the proposed project, the total footprint of the Port of Gulfport will increase in size by approximately 282 acres to an estimated throughput of up to 1.7 million TEUs annually by 2060. The expanded Port facility will be elevated to up to +25 feet mean sea level to provide protection against future tropical storm surge.

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The proposed port expansion project will involve dredging and filling approximately 282 acres of estuarine mud and sand bottom in the Mississippi Sound for the construction of wharfs, bulkheads, terminal facilities, container storage areas, intermodal container transfer facilities; placement of new-work and maintenance dredged material; and construction of a 4,000-linear foot breakwater. Major components of the project include:

- Expanding the West Pier by 155 acres in open water to 326 acres from the Restoration Project footprint of 171 acres
- Expanding the East Pier by 14.5 acres in open water to 44.5 acres from the Restoration Project footprint of a 30 acre
- Expanding the Gulfport Turning Basin by 85 acres in open water to 190 acres from the Restoration Project footprint of 105 acre
- Filling in 9 acres of open water in the North Harbor to 72 acres from the 63 acre Restoration Project footprint
- Filling in 18 acres of open water for an eastern breakwater
- Placing dredge material from the construction in appropriate disposal areas

**Sediments and Disposal** - The EPA has concerns regarding the project's impact on the marine environment. The proposed action requires the removal of approximately 7.5 million cubic yards of dredged material and its disposal. Future maintenance dredging will require the dredging and disposal of between 313,000 cubic yards and 1.3 million cubic yards of material annually. In order to determine the suitability of dredged material associated with this project for ocean disposal, further evaluation is needed under the Marine Protection, Research, and Sanctuaries Act Section 103 process. This will include the evaluation of sediment physical, chemical, and biological testing reports, as well as the District Engineer's determination of compliance with the Ocean Dumping Regulations.

Various disposal sites for dredge material are being considered in the DEIS, including beneficial-use sites such as Biloxi Marsh Complex (BMC), the existing Pascagoula Ocean Dredged Material Disposal Site (ODMDS), and available upland disposal areas. The EPA supports the use of dredge material for beneficial use since the dredge material at the BMC would help replenish sediments, provide storm protection, reduce erosion rates, and reduce subsidence along the shorelines of the Mississippi and Louisiana coasts.

However, based on sediment testing reports, as well as known contaminants of concern in the Northern Gulf of Mexico, the EPA notes that there is the potential for the dredge material to contain contaminants such as metals, pesticides, polycyclic aromatic hydrocarbons, polychlorinated biphenyls, and organotoxins. At elevated concentrations, these contaminants have the potential to adversely affect the aquatic environment. Therefore, the EPA recommends that every effort be made to determine if the sediments associated with the Gulfport Port Expansion project contain potentially harmful levels of contamination, and that impacts to the aquatic environment are minimized, regardless of the final determination of sediment placement. EPA is currently working with the USACE, Mobile District to ensure that this review process is underway.

**Aquatic Communities** - The EPA recognizes that the proposed project will directly affect the aquatic communities in the Mississippi Sound and reduce the quality of Essential Fish Habitat (EFH) in the vicinity of Port, with the loss of 196.5 acres of open-water habitat and the permanent conversion of 85.5 acres to deeper habitat. We recommend that the final EIS include a robust evaluation of the EFH impacts resulting from the project consistent with the National Marine Fisheries Services (NMFS) request. The



final EIS should also identify mitigation measures for any associated permanent losses. EPA encourages continued coordination with the NMFS and principally defer to them regarding the appropriate assessment and mitigation needed for federally-protected fish species and their habitat.

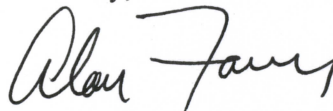
**Air Quality and Community** - The EPA previously recommended that localized impacts of near-road and near-rail emissions on Gulfport communities be evaluated. This is of particular importance to residential communities, including environmental justice communities, which will experience an increase in truck and rail traffic associated with the port expansion. The USACE has agreed to conduct additional air analysis and EPA is encouraged by current efforts to evaluate localized near-road impacts due to increased truck and rail traffic on the surrounding communities.

**Climate Change /Greenhouse Gases (GHG)** – The EPA commends the MSPA for efforts to strengthen its commitment to environmental stewardship by joining the Green Marine Environmental Program which requires a commitment to voluntarily enhance the Port of Gulfport's environmental performance, including addressing GHG emissions. The EPA recommends the final EIS fully consider the greenhouse gas emissions and climate change by adopting the approach outlined by CEQ's 2014 Revised Draft Guidance for Greenhouse Gas Emissions and Climate Change Impacts.

In summary, the EPA concerns primarily relate to water and sediment quality, placement options for dredged materials, air quality, and community issues, particularly environmental justice. Based on our review of the DEIS, the EPA rates the document as 'Environmental Concerns' (EC-2) meaning that there are environmental concerns and that additional information is needed to fully assess and address project impacts.

We appreciate the opportunity to provide comments on the DEIS. The EPA will continue to work with the USACE to address our concerns on the EIS and we look forward to reviewing the final EIS. If there are any questions regarding our comments, you may contact Ntale Kajumba at (404) 562-9620 or [Kajumba.ntale@epa.gov](mailto:Kajumba.ntale@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Farmer", written in a cursive style.

G. Alan Farmer  
Director  
Resource Conservation and Recovery Division

Enclosure



## **EPA Detailed Comments on the Gulfport Expansion Project**

### ***Project Background***

The MSPA originally submitted a permit application on March 9, 2010, for Port expansion activities. In April 2013, a revised permit application was submitted to modify the Gulfport Harbor Federal Navigation Channel (FNC) and Turning Basin. The USACE determined it was a significant change to the original expansion project. Since 2013, the Applicant's proposed project has changed and as of February 2015, its proposed action no longer included the proposed FNC modification.

### ***Water Quality***

As a result of increased dredging and placement of material, increased volume of stormwater runoff, and the increased risk of spills due to additional vessel trips, the Proposed Action would have a larger impact on turbidity and water quality than the No-Action Alternative. According to DEIS, these impacts would result in localized and short-term degradation of water quality. EPA recommends the USACE discuss best management practices that could be used to reduce turbidity associated with dredging and material transport and to minimize/treat storm-water runoff.

### ***Dredging***

*Water Quality:* The EPA recommends the final EIS discuss how it will address the potential impacts associated with fine-grained sediment-turbidity plumes from barge overflow or pipeline leaks associated with placing dredged material on the transport barges.

*Oyster Reefs:* The EPA recommends the DEIS identify any oyster reefs or other special aquatic sites that could be adversely impacted by the proposed dredging impacts to water quality.

The EPA recommends that the project eliminate hopper dredge overflow to avoid unnecessary impacts to water quality and any adjacent oyster reefs or other hard bottom, associated with fine-grained sediment turbidity plumes resulting from the hopper overflow. In addition, the DEIS maintains turbidity can be reduced or eliminated by eliminating overflow. It has been documented that suspended sediment concentration within 200 meters of the dredge are 1 to 2 orders of magnitude higher when overflow is allowed.

The dredging period should also be identified in the DEIS: number of dredges, hours of operation, and length of dredging to more accurately determine impacts to the surrounding ocean bottoms and essential fish habitat during dredging operations.

The EPA recommends the DEIS incorporate best management practices (BMP) requirements into their requests for proposals and dredge contract process to avoid impacts to aquatic sites, including oyster reefs. We also recommend the inclusion of noncompliance thresholds to mitigate impacts and enforcement mechanisms to stop continued impacts associated with BMP noncompliance, particularly those likely to realize potential impacts to water quality standards and special aquatic sites. The USACE's manual states that ... in certain situations limitations may be placed on the equipment to be used to minimize the environmental impact of the dredging and disposal operation. The presence of any oyster reef complex associated with the proposed action may be considered a qualifying situation for limitations to minimize the environmental impact associated with the proposed action.



In addition, the EPA recommends the USACE include appropriate (BMP) requirements including turbidity monitoring in its dredging contracts. For example, the use of turbidity-mitigating BMPs could include (1) turbidity monitoring with contingency shutdown stipulations when specific thresholds of measured turbidity are reached; (2) limitations on the amount of overflow allowed during loading of the scows; (3) no leakage from the scows as measured from the point of dredging, (4) near-real time tracking of scows, etc.

### *Air Quality*

The DEIS contains a brief discussion of the regulatory transportation air quality requirements, and air quality concerns in the project area. Harrison County is currently designated as attainment or unclassifiable with the National Ambient Air Quality Standards (NAAQS).

Recommendations: In terms of the regional air analysis, the EPA recommends the DEIS clarify the appropriateness of limiting the study area to Harrison County instead of including the entire Gulfport-Biloxi Metropolitan Statistical Areas for the analysis of regional air quality impacts. This is important since the impacts from transportation changes (in marine, truck and rail traffic) will affect the entire coastal area.

The EPA previously recommended that localized impacts of near-road and near-rail emissions on Gulfport communities be evaluated. This is particularly important for residential communities that will experience an increase in truck and rail traffic associated with the port expansion. EPA supports the current efforts underway to evaluate localized near-road impacts due to increased truck and rail traffic on communities. Specifically, near-roadway impacts along US Highway 49 are being evaluated and we further suggest that the evaluation include other key transportation routes such as 30th and 33rd Streets that were identified in the public meeting. Particular emphasis should be placed on routes associated with nearby schools such as 28<sup>th</sup> Elementary school, locations such as intersections where particulate matter may be higher, and places where vulnerable populations may be present.

In addition, efforts to improve traffic flow on US Highway 49 should also be explored. EPA notes that the DEIS includes a number of measures that could be implemented to reduce potential air quality impacts including limiting access to the port to trucks that are 2011 and newer models once the expansion is complete. Since the trucks which service the port are generally long haul (as opposed to dray fleets), this measure should not impose a substantial burden on truck fleets. EPA recommends that the Final EIS include commitments to implement specific measures that will reduce potential air emission impacts.

### *Environmental Justice*

Pursuant to the executive order 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (February 11, 1994) and its accompanying memorandum, the DEIS examines many of the effects of the port expansion on minority and/or low-income populations. The EPA recently visited communities in and around Gulfport and participated in public meetings related to the Port Expansion and local watersheds and a number of issues were raised by community stakeholders.

Recommendations: To address some of the community concerns associated with the increased traffic, the EPA recommends that the MSPA consider working with the City of Gulfport and the Department of Transportation to incorporate signage with designate truck routes in an effort to deter and thereby



decrease the amount of truck traffic on residential streets. Other traffic and air quality measures relevant to environmental justice communities are discussed in the air section related to localize air quality impacts and diesel reduction measures. Continued coordination with affected communities is recommended throughout the EIS process.

The EPA is aware that job creation is part of the requirement for Housing and Urban Development funding used for the Port expansion and through the EPA's College/Underserved Community Partnership Program (CUPP) and Gulf of Mexico Program Office, we recently partnered with the MSPA to help ensure that some of the pre-employment readiness needs of local residents in the Vietnamese and other communities are addressed. During the DEIS process, community residents have expressed concerns regarding Port-related jobs including the pace to which jobs are being created at the Port and frustration with the hiring process. EPA is aware that the MSPA has been actively hosting meetings with various community stakeholder groups within the vicinity of the proposed project to discuss potential job opportunities and to help prepare local residents for existing and future port-related job opportunities. The MSPA has committed to creating 1,200 additional jobs within 3 years of completion of the restoration efforts at the Port.

EPA is aware the MSPA owns a property within the Gulfport city limits including the referenced "33rd Street Property." According to the DEIS, the MSPA has proposed various projects for the site, such as evacuation parking or off-terminal tenant facilities (e.g., a freezer). Based on feedback from the community and concerns, the expressed by the adjacent residents, the MSPA decided not to follow through with any of the proposed projects. According to the DEIS, there are no plans in the reasonably foreseeable future for any development of this site.

### *Climate Change*

According to the DEIS, the combustion of fuel in highway and off-road vehicles, locomotives, and oceangoing vessels will result in an increase in Greenhouse Gas (GHG) emissions that could contribute to global climate change. However, the DEIS does not quantify emissions associated with the project. The DEIS also references the 2010 "Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions," which was revised in December 2014.

Recommendation: We recommend that USACE update the analysis in the final EIS to reflect recommendations made in the Council on Environmental Quality's December 2014 revised draft guidance for Federal agencies' consideration of GHG emissions and climate change impacts in NEPA to help outline the framework for its analysis of these issues. This would include estimating the GHG emissions associated with the proposal and its alternatives and conducting an inventory of the types of GHGs expected to be emitted at the Port, e.g., carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride. In addition, we recommend including calculations of baseline GHG emissions for both sea and land-based GHG emissions for the no action and proposed action (i.e., the years 2020 and 2060). These activities should include the transport of 7.5 million cubic yards of dredged material to the appropriate dredged material disposal sites and the transport of material to be used for the East and West Pier expansion, infill of the North Harbor, and East Breakwater construction. An example of a GHG Port analysis methodology is that done by the Port Los Angeles. See §3.6.4 of the Port's Green House Gas emissions document available at [https://www.portoflosangeles.org/EIR/YTI/DEIR/Section%203.6\\_Greenhouse%20Gases.pdf](https://www.portoflosangeles.org/EIR/YTI/DEIR/Section%203.6_Greenhouse%20Gases.pdf)



The CEQ recommends agencies attribute specific climate impacts to individual projects through the use of projected GHG emissions, potential changes in carbon sequestration and storage, as a way of assessing a proposed action's potential climate change impacts. The agency can then present the environmental impacts of the proposed action in clear terms and with sufficient information to make a reasoned choice between the no-action and proposed alternatives and mitigations. EPA notes that the DEIS includes a number of dredging, freight, landside and container ship mitigation options that would reduce potential GHG emissions. We recommend that the final EIS make clear whether commitments have been made to ensure implementation of design or other measures to reduce GHG emissions or to adapt to climate change impacts.

*Climate Change Adaptation:* We recommend the final EIS include consideration of climate adaptation measures based on how future climate scenarios may impact the project. The National Climate Assessment (NCA), released by the U.S. Global Change Resource Program,[1] contains scenarios for regions and sectors, including transportation. Using NCA or other peer reviewed climate scenarios to inform alternatives analysis and possible changes to the proposal can improve resilience and preparedness for climate change.

Changing climate conditions can affect a proposed project, as well as the project's ability to meet the purpose and need. In addition to considering the resilience and preparedness of a facility itself, in some cases adaptation measures could avoid potentially significant environmental impacts. For example, sea level rise and associated storm surge could impact the operation of the port facilities.

### ***Environmental Sustainability***

The EPA recognizes the Port's commitment toward environmental stewardship. In 2013, the Port of Gulfport joined the Green Marine Environmental Program which requires a commitment to voluntarily strengthen their performance regarding priority environmental issues, including GHG emissions. This Program provides Ports certification for completion of various identified levels of achievement. For example, the DEIS describes the Green Marine Environmental Program GHG-mitigation activities associated with the Program's Level 4 certification that entails energy performance and air-pollutant reduction plan.

### ***Cumulative and Indirect Impacts:***

Cumulative impacts include the additive effects of a given parameter for all contributing projects in the area, as well as the cumulative impact of all parameters for all projects in the area. EPA notes that existing or future projects (federal and non-federal projects) with attendant wetland impacts are considered in the DEIS. The projects include the proposed I-310 port road and the Ward Development project. EPA notes that the temporal criteria of the analysis is not often listed in the document because many of the projects have not completed the environmental process.